

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

CLAUDINE MIKANDA, NEYEMBO
MIKANDA,

Plaintiffs,

v.

CALVARY-SPV-I-LLC, CALVARY
PORTFOLIO SERVICES,

Defendants.

HONORABLE KAREN M. WILLIAMS

No. 24-10137 (KMW-SAK)

MEMORANDUM OPINION AND
ORDER

THIS MATTER comes before the Court by way of Plaintiffs' Application to Proceed in District Court Without Prepaying Fees or Costs ("IFP Application") (ECF No. 1) pursuant to 28 U.S.C. § 1915(a)(1); and

THE COURT NOTING that Plaintiffs' provided an "IFP Application Exemption Form," which is not the required form, and the information provided by Plaintiffs do not give the Court sufficient information to ascertain Plaintiffs' means or evaluate whether Plaintiffs would qualify to bring this case without prepaying fees and costs.

Further, the Court is required to screen the Complaint pursuant to 28 U.S.C. §1915(e)(2)(B), and dismiss any claim that is frivolous, malicious, fails to state a claim for relief, or otherwise seeks relief from an immune defendant. For the reasons set forth below, Plaintiffs' Complaint is dismissed without prejudice for lack of jurisdiction.

Federal courts are courts of limited jurisdiction and have an independent obligation to address issues of subject matter jurisdiction *sua sponte* and may do so at any stage of the litigation.

Zambelli Fireworks Mfg. Co., Inc. v. Wood, 592 F.3d 412, 418 (3d Cir. 2010); *Lincoln Ben. Life Co. v. AEI Life, LLC*, 800 F.3d 99, 104 (3d Cir. 2015). If a federal district court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action. *See* Fed. R. Civ. P. 12(h)(3). To establish jurisdiction, a pleading must either present a federal claim or trigger the court's diversity jurisdiction. *See Gibson v. Tip Towing & Recovery LLC*, No. 23-2919, 2024 WL 658977 at *1 (3d Cir. Feb. 16, 2024). To assert a federal claim, a pleading must assert an action arising under the Constitution, laws, or treaties of the United States. *Id.* at *1 n.2. To assert diversity jurisdiction, a pleading must demonstrate complete diversity of citizenship among the parties, (meaning that each defendant must be a citizen of a different state than each plaintiff), with the amount in controversy being over \$75,000.00. *Id.* Plaintiffs do not point to any violation of federal law or the Constitution of the United States, nor do Plaintiffs assert that this Court would have jurisdiction over the parties pursuant to diversity jurisdiction.

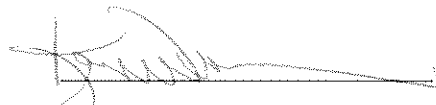
Therefore,

IT IS HEREBY on this 18th day of November, 2024,

ORDERED that this case be **DISMISSED WITHOUT PREJUDICE**; and further

ORDERED that Plaintiffs are granted leave to further amend their Complaint within 30 days of issuance of this order to address the deficiencies noted herein; and further

ORDERED that the Clerk of the Court shall serve a copy of this Order and the appropriate *in forma pauperis* long form (AO-239) for non-prisoner litigants upon Plaintiffs by regular U.S. mail.


KAREN M. WILLIAMS
United States District Judge